

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

CYNTHIA OYLER,  
*Plaintiff*

-VS-

SHAMAT ENTERPRISES, INC.,  
PERRON & CAMPBELL, INC.,  
*Defendants*

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SA-19-CV-01405-XR

**ORDER OF DISMISSAL WITH PREJUDICE**

On this date, the Court considers Plaintiff Cynthia Oyler's Amended Stipulation to Dismiss Complaint with Prejudice ("Stipulation") pursuant to Fed. R. Civ. P. 41(a) (ECF No. 22). Rule 41(a)(1) provides that a party may dismiss an action by filing either (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment, or (ii) a stipulation of dismissal signed by all parties who have appeared. FED. R. CIV. P. 41(a)(1)(A). Because Defendant Perron & Campbell, Inc. has already answered in this case (ECF No. 5), Plaintiff may only dismiss under Rule 41(a) if all parties who have appeared have signed the stipulation of dismissal. Defendant here, who has appeared, has not signed the dismissal. However, because Plaintiff seeks dismissal with prejudice, the Court will convert the Stipulation into a motion to dismiss pursuant to Rule 41(a)(2). The Court GRANTS that motion. The Clerk is DIRECTED to close this case.

It is so ORDERED.

SIGNED this 1st day of September, 2020.



XAVIER RODRIGUEZ  
UNITED STATES DISTRICT JUDGE